



2-20-3

PATENT ACTION

RECEIVED
TECH CENTER 1600/2900
FEB 24 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:

Applicant: RICHTER, Virginia Pact, et al.

Application No.: 09,940,309

Date Filed: August 27, 2001

Title: TREATMENT OF
MOVEMENT DISORDERS BY
ADMINISTRATION OF 5-
HYDROXYTRYPTAMINE
RECEPTOR/ α_2 ADRENERGIC
RECEPTOR ANTOGONIST
COMPOSITIONS

) Docket No.: 4164-101 CON

) Examiner: JARVIS, William

) Group Art: 1614

) Confirmation No.: 5504

) Customer No.: 23448



23448

PATENT TRADEMARK OFFICE

EXPRESS MAIL CERTIFICATE

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231, and Express Mailed under the provisions of 37 CFR 1.10.

Katrina Holland

Katrina Holland

February 18, 2003

Date

EV 291922585 US

Express Mail Label Number

**RESPONSE TO ELECTION REQUIREMENT IMPOSED IN JANUARY 15, 2003
OFFICE ACTION FOR U.S. PATENT APPLICATION NO. 09/940,309**

Commissioner for Patents
Washington, D.C. 20231

Sir:

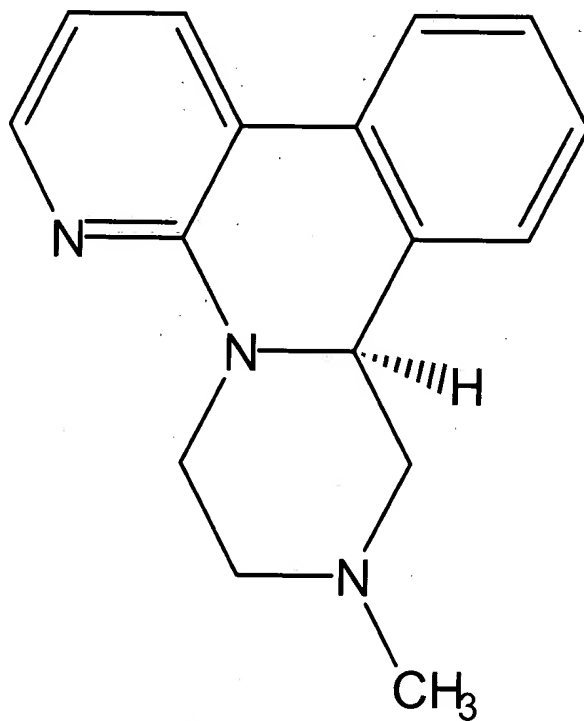
In the Office Action dated January 15, 2003 in the above-identified patent application, an election requirement was imposed on claims 1-31 as originally filed and pending in the application.

The Examiner has required applicant "under 35 U.S.C. 121 to elect a single disclosed species from each class (i.e. a 5-HT antagonist and/or an α -2 antagonist or one compound exhibiting both activities)."

In response, applicant elects "one compound exhibiting both activities" and elects mirtazapine as a single disclosed compound, viz.,

1,2,3,4,10,14b-hexahydro-2-methyl-pyrazino [2,1-a] pyrido [2,3-c]benzazepine).

The S(+) enantiomer of this compound, for example, has the formula:



It therefore is requested that prosecution of this application proceed based on the election of species herein.

Respectfully submitted,



Steven J. Hultquist
Reg. No. 28,021
Attorney for Applicants

**INTELLECTUAL PROPERTY/
TECHNOLOGY LAW**
Phone: (919) 419-9350
Fax: (919) 419-9354
Attorney File No.: 4164-101 CON